

## Exhibit 6

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary  
Judgment as to Defendant Dey

CAUSE NO. GV002327

THE STATE OF TEXAS	) IN THE DISTRICT COURT
EX REL.	)
VEN-A-CARE OF THE	)
FLORIDA KEYS, INC.	)
	)
PLAINTIFFS,	)
	)
VS.	) TRAVIS COUNTY, TEXAS
	)
DEY, INC.; ROXANE	)
LABORATORIES, INC. AND	)
WARRICK PHARMACEUTICALS	)
CORPORATION,	)
	)
DEFENDANTS.	) 53RD JUDICIAL DISTRICT

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ORAL AND VIDEOTAPED DEPOSITION OF

ROBERT FRANCIS MOZAK  
VOLUME II  
APRIL 30TH, 2002

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ORAL AND VIDEOTAPED DEPOSITION OF

ROBERT FRANCIS MOZAK, PRODUCED AS A WITNESS AT THE  
INSTANCE OF THE STATE OF TEXAS AND DULY SWORN, WAS  
TAKEN IN THE ABOVE-STYLED AND NUMBERED CAUSE ON THE  
30TH OF APRIL, 2002, FROM 9:09 A.M. TO 5:02 P.M.,  
BEFORE DEBRA L. SIETSMA, CSR IN AND FOR THE STATE OF  
TEXAS, REPORTED BY MACHINE SHORTHAND, AT COUDERT  
BROTHERS, 600 BEACH STREET, SAN FRANCISCO, CALIFORNIA,  
PURSUANT TO THE TEXAS RULES OF CIVIL PROCEDURE AND THE  
PROVISIONS AS PREVIOUSLY SET FORTH.

1 THE WHOLESALERS.

2 Q. IT'S NOT A NET PRICE, IS IT?

3 A. NO.

4 Q. IT DOESN'T REFLECTS ADJUSTMENTS FOR  
5 CHARGEBACKS, REBATES OR OTHER FACTORS THAT HAVE THE  
6 EFFECT OF REDUCING THE ACTUAL NET COST TO THE  
7 WHOLESALER TO ACQUIRE THE PRODUCT?

8 A. NO.

9 Q. HOW DOES DEY DECIDE WHAT FIGURE TO REPORT AS  
10 ITS WAC?

11 A. THE WAC IS ESTABLISHED BASED UPON THE  
12 COMPETITIVE MARKET AT THE TIME OF LAUNCH, AND WHATEVER  
13 THAT FIGURE MIGHT BE IS THE FIGURE THAT BECOMES THE  
14 WAC PRICE.

15 Q. AND IT'S SUBJECT TO ADJUSTMENT FLUCTUATION  
16 DEPENDING UPON THE MARKETPLACE?

17 A. YES. WE HAVE HISTORICALLY LOWERED OUR WAC  
18 PRICE AS THE MARKET PRICE CAME -- WAS LOWERED AS --  
19 OVER TIME, SO WE'VE ADJUSTED OUR WAC PRICE ACCORDINGLY  
20 IN A DOWNWARD MANNER.

21 Q. SO IT CAN GO DOWN. IT CAN ALSO GO UP, CAN'T  
22 IT?

23 A. IT COULD GO UP. IT NORMALLY -- OR IT DIDN'T  
24 GO UP IN -- IN THE CASE OF MOST OF OUR PRODUCTS EXCEPT  
25 IN ONE INSTANCE.